



## UNITED STATES ... PARTMENT OF COMMERCE **Patent and Trademark Office**

COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/541,285	04/03/00	, ROBERTS	М	9329-001COL
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HARNESS DI PO BOX 828	CKEY & PIER	TM02/0813 CE PLC	HO, T	PAPER NUMBER
BLOOMFIELD	HILLS MI 4:	3303	2612 DATE MAILED:	1)
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    Examiner			Application No.	Applicant(s)				
Period for Reply  A CHORTENED STATUTORY PERIOD FOR REDLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILUNG DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A CHORTENED STATUTORY PERIOD FOR REDLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILUNG DATE of THIS COMMUNICATION.  The MAILUNG DATE of THIS COMMUNICATION.  If the period for reply specified above is face than thing (30) days, a reply white in the status or proteiner at the status of the status or status of the	Office Action Summary		09/541,285	ROBERTS ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the previous of 3 of 2 ft. 1.13(a). In no event, however, may a reply be timely filled after 5X (9) MOSTHS from the mailing data of this communication.  Extensions of time may be available under the previous of 3 of 2 ft. 1.13(a). In no event, however, may a reply be timely filled after 5X (9) MOSTHS from the mailing data of this communication.  Extensions of time may be available under the previous data of 3 of 2 ft. 1.13(a).  If NO period for reply is specified to the time mains and a ft. 1.5(a).  Failure to reply within the salt or extended princid for reply will, by statutory period will apply and vell explose 15X (0) MOSTHS from the mailing data of this communication.  Failure to reply within the salt or extended princid for reply will, by statutory period will apply and vell explose 15X (0) MOSTHS from the mailing data of this communication.  Failure to reply within the salt or extended princid for reply will, by statutory period will reply and vell explose 15X (0) MOSTHS from the mailing data of this communication.  Failure to reply within the salt or extended princid for reply will, by statutory period will reply and vell explose 15X (0) MOSTHS from the mailing data of this communication.  Failure to reply within the salt or explosed to the salt of the communication.  11) Responsive to communication (5) filled on 0 1 1 1 1 2 20 1 2 1 2 1 2 1 2 1 2 1 2			Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time map be available under the provisions of 3 CPR 1.15(6). In no event, however, may a reply be limity filed after SX (6) MONTIST from the mailing date of hits communication. If the period for perly sections from the mailing date of hits communication in the period of period period of period period of period period of period per								
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 37-40 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 37-40 is/are rejected.  7)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The proposed drawing correction filed on is: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11)  The proposed drawing correction filed on is: a) approved by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  10) Acknowledgment is made of a claim for domestic priority unde	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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Application/Control Number: 09/541,285

Art Unit: 2612

1. The abstract of the disclosure is objected to because the present abstract does not describe the claimed invention and Figures following the abstract are extraneous and should be deleted. Correction is required. See MPEP § 608.01(b).

2. The nonstatutory double patenting rejection is based on a policy reflected in the statute judicially created doctrine so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b). Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 37-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being

Application/Control Number: 09/541,285

Art Unit: 2612

unpatentable over claims 1-18 of U.S. Patent No. 5,138,459. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-18 encompass all limitations of claims 37-40 of the present application.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 and (703) 308-6296 (for formal communications intended for entry)

Or:

(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (703) 305-4943. The examiner can normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Application/Control Number: 09/541,285

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

TH

August 11, 2001

Page 4

PRIMARY EXAMINER